

Many questions have been recently asked of this department concerning the legalities and rules of motor scooters commonly seen ridden in Martinsville by young and old alike. This issue is clouded by the fact that Indiana law has not been modified to match the advancements of our society. The following paragraphs will attempt explain the discrepancies in the law as well as requirements that should be met by all who are operating a motorized bicycle or scooter.

By Indiana Code (9-13-2-109) a motorized bicycle, commonly referred to as a moped, is defined as follows: "Motorized bicycle" means a two (2) or three (3) wheeled vehicle that is propelled by an internal combustion engine or a battery powered motor, and if powered by an internal combustion engine, has the following:

- (1) An engine rating of not more than two (2) horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters.
- (2) An automatic transmission.
- (3) A maximum designed speed of not more than twenty-five (25) miles per hour on a flat surface.

The term does not include an electric personal assistive mobility device.

Indiana Code (9-13-2-104) defines a motor scooter as a vehicle that has the following:

- (1) Motive power
- (2) A seat, but not a saddle, for the driver.
- (3) Two (2) wheels.
- (4) A floor pad for the driver's feet.

It is easy to see the confusion created by the definitions outlined in the above statutes. Furthermore, the manufacturers of many of the scooters are using the "not more than two (2) horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters" standard outlined in the motorized bicycle definition. However, some scooters have been designed with 49 cubic centimeters of cylinder capacity but have a rating of more than two (2) horsepower. With specifications exceeding that of a motorized bicycle, a scooter more easily falls within the definition of a motorcycle thus requiring the operator of the vehicle to possess a valid operators license with a motorcycle endorsement. Other requirements such as registering the vehicle with the BMV and having the vehicle insured may then be compelled upon the owner and/or operator.

Other requisites to operating a motorized bicycle or scooter are delineated within Indiana Code 9-21-11-12. Under this statute, it requires the operator of motorized bicycle to be at least fifteen (15) years of age, possess an identification card, permit, operator's license, chauffeur's license or a public passenger chauffeur's license. The vehicle cannot be operated on an interstate highway or sidewalk, at speed greater than twenty-five (25) miles per hour and the operator must wear head and eye protection.

When purchasing a scooter, enquire from the retailer whether the particular model you are interested in purchasing meets the standards of a motorized bicycle. Most will be familiar with these requirements. Otherwise, contact your local law enforcement agency.

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